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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,601	04/06/2001	Steven L. Eikenberg	WRAIR 00-05 16	5690

27370 7590 05/22/2009
OFFICE OF THE STAFF JUDGE ADVOCATE
U.S. ARMY MEDICAL RESEARCH AND MATERIEL COMMAND
ATTN: MCMR-JA (MS. ELIZABETH ARWINE)
504 SCOTT STREET
FORT DETRICK, MD 21702-5012

EXAMINER

WILSON, JOHN J

ART UNIT	PAPER NUMBER
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3732

MAIL DATE	DELIVERY MODE
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05/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09828601	4/6/01	EIKENBERG, STEVEN L.	WRAIR 00-05 16

OFFICE OF THE STAFF JUDGE ADVOCATE
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EXAMINER

John J.. Wilson

ART UNIT	PAPER
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3732	20090517
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Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on March 2, 2009 is not fully responsive to the prior Office action because it addresses the wrong set of claims. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

When a Non-Final rejection is applied after a Final rejection, the Final rejection is withdraw, and any amendments not entered after the Final rejection are automatically entered, as such, the current claims in the case are the claims as amended on May 24, 2004, claims 1-10, 18-21, 27 and 28. Because the Final rejection has been withdrawn and a Non-Final rejection applied, applicant has the right to amend the claims, including amending the claims to place them back in a prior form if that is what is intended, however, the current claims must be addressed and a listing of all of the current claims must be provided for the response to be proper.

/John J Wilson/
Primary Examiner
Art Unit: 3732